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8 UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON

9 CHARQUELLA D. GARDNER,

10 Plaintiff,

11 v.

12 NANCY A. BERRYHILL, Deputy  
13 Commissioner of Social Security for  
14 Operations,

15 Defendant.

CASE NO. 2:17-CV-00941-JRC

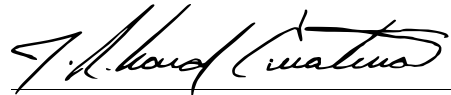
ORDER ON STIPULATED  
MOTION FOR EQUAL ACCESS  
TO JUSTICE ACT FEES AND  
EXPENSES

16 This Court has jurisdiction pursuant to 28 U.S.C. § 636(c), Fed. R. Civ. P. 73 and Local  
17 Magistrate Judge Rule MJR 13 (*see also* Consent to Proceed before a United States Magistrate  
18 Judge, Dkt. 2). This matter is before the Court on plaintiff's Stipulated Motion for Award of  
19 Attorney Fees Pursuant to the Equal Access to Justice Act 28 U.S.C. § 2412(d) (*see* Dkt. 19).

20 Based on the Equal Access to Justice Act, 28 U.S.C. § 2412, ("EAJA"), the Stipulation of  
21 the parties (*see* Dkt. 19), the attorney affidavit and time and expense itemizations (Dkt. 19,  
22 Attachment 2), and the relevant record, it is hereby ORDERED that EAJA attorney's fees of  
23 \$6,867.97 shall be awarded to plaintiff pursuant to the EAJA and consistent with *Astrue v.*  
24 *Ratliff*, 130 S.Ct. 2521, 2524, 2010 U.S. LEXIS 4763 at \*\*\*6-\*\*\*7 (2010).

1 The Acting Commissioner shall contact the Department of Treasury after the Order for  
2 EAJA fees is entered to determine if the EAJA fees are subject to any offset. If it is determined  
3 that plaintiff's EAJA fees are not subject to any offset allowed pursuant to the Department of the  
4 Treasury's Offset Program, then the check for EAJA fees shall be made payable to Tha Win,  
5 Esq., based on plaintiff's assignment of these amounts to plaintiff's attorney (*see* Fee Agreement,  
6 Dkt. 19, Attachment 3). If there is an offset, the remainder shall be made payable to plaintiff,  
7 based on the practice of the Department of the Treasury (*see, e.g.,* Case No. 2:15-cv-122, Dkt.  
8 22, p. 4). Any check for EAJA fees shall be mailed to plaintiff's counsel, Tha Win, at 606  
9 Maynard Avenue South, Suite 201, Seattle, WA 98104.

10 Dated this 6th day of July, 2018.

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12 J. Richard Creatura  
13 United States Magistrate Judge  
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